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Attorneys for Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

DEPAUL INDUSTRIES, an Oregon non-profit corporation,

Plaintiff,

v.

CITY OF EUGENE, a municipal corporation;
JOHN RUIZ, in his official capacity as the City Manager of the City of Eugene; **BENJAMIN MILLER**, personally and in his official capacity as Assistant City Attorney for the City of Eugene; **LAVENA NOHRENBURG**, in her official capacity as Customer Experience Manager of the City of Eugene Public Library; **CLAYTON STILWELL**, in his official capacity as Purchasing Analyst for the Finance Department of the City of Eugene; and **DOES 1-9**, unknown individuals acting under color of law,

Defendants.

Civil No. 6:18-cv-00320-MC

**DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO PRODUCE
CERTAIN DOCUMENTS**

LR 7-1 Certification

Counsel for Defendants certify that they have conferred in good faith with Plaintiff's counsel by telephone regarding Defendants' Motion for Extension of Time to Produce Certain Documents. Plaintiff opposes this Motion.

Motion and Memorandum

On October 17, 2018, the Court entered a minute order, ordering Defendants to produce several documents. (Dkt. No. 35.) The Court ruled that one document and redacted portions of two others were not subject to the attorney-privilege. Those three documents will be produced to Plaintiff within the Court's seven (7) business-day deadline, by October 26, 2018.

The Court also directed Defendants to produce five documents and portions of two additional redacted documents under the crime-fraud exception to the attorney-client privilege. Defendants have prepared a Motion for Reconsideration asking the Court to reconsider the crime-fraud portion of its October 17, 2018 order, and are filing a Motion to File Ex Parte and Under Seal that Motion for Reconsideration. Consequently, Defendants request that the Court extend Defendants' production deadline of these seven documents during the pendency of the Motion for Reconsideration.

DATED this 24th day of October, 2018.

TONKON TORP LLP

By /s/ Christopher J. Pallanch
Michael W. Fletcher, OSB No. 010448
Christopher J. Pallanch, OSB No. 075864
Stephanie J. Grant, OSB No. 154597
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO PRODUCE CERTAIN DOCUMENTS** on:

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Attorneys for Plaintiff DePaul Industries

- ☒ by electronic means through the Court's Case Management/Electronic Case File system on the date set forth below
- ☐ by causing a copy thereof to be e-mailed to each attorney at said attorney's last-known email address on the date set forth below

DATED this 24th day of October, 2018.

TONKON TORP LLP

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